Report to the Twenty-First Legislature Regular Session of 2002

on

THE REEVALUATION OF THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE



Prepared by the
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
State of Hawaii

In response to House Concurrent Resolution No. 56 Regular Session of 2001

December 2001

REPORT TO THE TWENTY-FIRST STATE LEGISLATURE REGULAR SESSION 2002

ON

THE REEVALUATION OF THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE

This report is submitted in response to House Concurrent Resolution (HCR) No. 56 that was passed during the Regular Legislative Session of 2001, entitled "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE."

I. <u>BACKGROUND</u>

The subject Concurrent Resolution was introduced and adopted during the Regular Legislative Session of 2001. It sets forth the reasons for requesting this reevaluation, which include: 1) the existing thrill craft zone is located nearly one mile from shore, requiring users to travel a great distance; 2) the distance poses a safety hazard to persons who may suffer equipment failure or need medical assistance; 3) the number of thrill craft users have increased since the area was first established; and 4) the recreational needs of other user groups have changed.

A copy of HCR No. 56, Regular Session of 2001, is attached for ready reference.

II. EVALUATION OF THRILL CRAFT AREA BOUNDARIES

The Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation (DOBOR), scheduled a public workshop in Hilo to solicit the ideas, comments, and recommendations of all users of Hilo Bay on how best to address the safety issues described in HCR No. 56, while balancing the recreational needs of other user groups and providing navigational safety and security needs of commercial shipping interests. The public workshop was originally scheduled for September 13th, but was rescheduled for October 18th following the terrorist attacks of September 11th. Copies of the original and rescheduled meeting notices are attached.

Mr. David Parsons, DOBOR staff representative, opened the public workshop by explaining the provisions of HCR No. 56, 2001. Ms. Nancy Murphy, DOBOR's Hawaii District Manager, Mr. Les Wachi, DOBOR's Wailoa Harbor Agent, and Mr. Andrew Ford of DLNR's Division of Conservation and Resources Enforcement (DOCARE), assisted in the conduct of the workshop. Mr. Parsons stated that the purpose of the workshop was to determine how the boundaries of the existing recreational thrill craft operating area could be revised to address the concerns addressed by HCR No. 56, 2001, while minimizing adverse impacts on existing recreational activities. A copy of HCR No. 56, 2001 was circulated among the workshop attendees for review.

All attendees were asked to introduce themselves and identify their areas of interests and concerns. The primary interest groups represented at the meeting were: 1) recreational

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thrill craft owners; 2) outrigger canoe clubs; 3) other recreational boating interests; and 4) the Hilo Trollers. Prior to the workshop, Mr. Parsons met with Mr. Ian Birnie, the Department of Transportation's Harbor Master for the Port of Hilo, to discuss the new port security requirements that had been put into effect since September 11, 2001, and to determine how these security measures would impact any proposals to expand the existing thrill craft operating area. Mr. Birnie stated that all vessels, except those authorized by the U. S. Coast Guard, were required to remain at least 500 yards from the Hilo port facilities and the vessels moored there. He recommended that thrill craft not be allowed east of Buoy "R4" to provide an additional safety buffer and to prevent inadvertent encroachment into the 500 yard restricted area. A copy of Mr. Birnie's memorandum to this effect is attached for reference.

Copies of a chart of Hilo Bay were provided to workshop attendees for reference purposes, and to aid in the discussion of suggested alternatives and proposals for the revised operating area. Prior to starting the discussion on recreational uses within Hilo Bay, Mr. Parsons explained the security requirements for the Port of Hilo. He announced that DOBOR would consider expanded thrill craft operations only within the western portion of Hilo Bay due to these port security concerns.

All persons present were provided an opportunity to express their interests and concerns. The comments of the various interest groups are summarized below:

A. Thrill Craft owners. Mr. Nathan Mattos acted as spokesperson for the thrill craft owners. Mr. Mattos was primarily responsible for the introduction and passage of HCR No. 56 by his efforts in expressing his concerns to area legislators. He reiterated the points stated in the concurrent resolution, and stressed the safety concerns associated with the present location of the operating area. Its location nearly one mile from shore poses a safety hazard to persons who may suffer equipment failure or need medical assistance; as it is difficult to attract attention of persons on shore or other vessels on Hilo Bay, and considerable time could pass before assistance could be provided. The present size of the area is too small for the number of operators using it, since the number of thrill craft users has increased significantly since the area was first established in 1988. Additionally, the present area extends west of the end of the breakwater, and outrigger canoes, fishing boats and other vessels routinely cut through this part of the area when traveling to or from areas to the north or east of Hilo Bay. The need for thrill craft to slow down or change course to avoid these other vessels further reduces the effective operating area and increases the potential for accidents. Other factors that should be considered in expanding the operating area are the significant advances is design and

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manufacturing technology for thrill craft. These include improvements in stability and maneuverability, significant reduction of noise and exhaust emissions, and safety improvements such as a "kill switch" that stops the engine in the event the operator falls off. They claimed that these improvements eliminated many of the reasons that persons residing along the coast opposed the operation of thrill craft near the shoreline.

Another issue that all users strongly supported was the need to change the term "thrill craft" to "personal watercraft", in order to conform to standard terms adopted by the U. S. Coast Guard, the industry, and the users. They stated that the term "thrill craft" implies that the users are reckless, careless and irresponsible. They argued that this was an unfair characterization of the present generation of users, who are more mature, responsible, and informed of operating requirements than those who used them when thrill craft were first introduced to Hawaii over twenty years ago. In general, they expressed a sense of frustration at being unable to operate within the rest of Hilo Bay, especially when no other vessels were present.

B. Outrigger Canoe Clubs. Ms. Maile Mauhili, Executive Secretary of the Moku O Hawaii Outrigger Canoe Club, and Mr. Al Konishi, Kamehameha Canoe Club, were the primary spokespersons for outrigger canoe interests. Their primary concern was for the safety exposure of paddlers that could be caused by fast-moving thrill craft operating in proximity to canoes during practice sessions. They were especially concerned for beginning and novice paddlers, who lacked the experience and skill that might be needed to maneuver through the wake created by fast-moving vessels, or to change direction to avoid a possible collision. They explained that the younger paddlers would be concentrating on perfecting their coordination and paddling techniques, and may not be alert to the movement of other vessels operating in close proximity. The normal outrigger canoe paddling area is the inner part of Hilo Bay fronting Bayfront Highway. They stated that they would not oppose expansion of the thrill craft operating area if all thrill craft were kept north of a line drawn between Coconut Island and the mouth of the Wailuku River during paddling season.

C. Other Recreational Boaters. Mr. Barry Bolln and Mr. Kim Magnuson of the Na Hoa Holomoku of Hawaii Yacht Club spoke in behalf of other recreational boating interests. Their primary concerns were possible hazards to participants in the junior sailing program who were learning to sail in small, one-person sailboats that could be caused by thrill craft operating in close proximity. They explained that the junior sailing activities were conducted primarily in the eastern portion of Hilo Bay in the vicinity of Reeds Bay. They acknowledged that their concerns would be addressed and no change to

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> the junior sailing activities would likely occur if thrill craft operations were restricted to the area of Hilo Bay west of Buoy "R4."

D. Hilo Trollers. Mr. Carl Shioji represented the Hilo Trollers. Their primary concern was about potential navigation safety impacts to vessels entering or leaving the Wailoa Boat Harbor that could result from the proliferation of fast-moving thrill craft operating in proximity to the entrance channel. He expressed the need to ensure that safety of navigation would be maintained for vessels entering and leaving the channel, as well as a need for improved safety education, a greater enforcement presence, and appropriate signs to indicate operating restrictions.

III. WORKSHOP CONSENSUS

Following the presentation by the various interest groups, workshop participants discussed various alternatives for addressing the issues, interests and concerns that had been discussed. Mr. Kimo Aruda volunteered to assist in facilitating the discussion. Mr. Don Ford assisted by explaining how existing rules would be applied to resolve concerns relating to vessel speed in proximity to slower moving craft, persons in the water, and the shoreline. Mr. Les Wachi noted that no one was present to address the surfing community, and recommended that provisions should be made to avoid thrill craft interference with surfing activities that took place in the vicinity of the Wailuku River mouth.

All workshop participants approached the resolution of the issues in a spirit of cooperation and demonstrated a desire to reach a solution that would address the needs of all interest groups. After full and productive discussion, the following consensus was reached:

- A. Expansion of the recreational thrill craft zone would be allowed only within the area of Hilo Bay west of Buoy "R4."
- B. No thrill craft would be permitted within an outrigger canoe operating area located between the shoreline and a line drawn between Coconut Island and the mouth of the Wailuku River during canoe season when outrigger canoes were in the area.
- C. No commercial thrill craft operations would be allowed.
- D. The need for additional speed controls in the vicinity of the Wailoa Boat Harbor entrance channel should be addressed.

Mr. Gilbert Coloma-Agaran Chair Board of Land & Natural Resources Kalanimoku Building 1151 Punchbowl Street Honolulu, HI 96809

Dear Chair Coloma-Agaran:

I transmit herewith a copy of House Concurrent Resolution No. 56, which was adopted by the House of Representatives and the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001.

Sincerely,

Patricia Mau-Shimizu Chief Clerk

House of Representatives





RECEIVED

HOUSE OF REPRESENTATIVESMAY 14 A 8: 58

STATE OF HAWAII STATE CAPITOL HONOLULU, HAWAII 96813

& NATURAL RESOURCES STATE OF HAWAII

May 8, 2001

Mr. Gilbert Coloma-Agaran Chair Board of Land & Natural Resources Kalanimoku Building 1151 Punchbowl Street Honolulu, HI 96809

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Sincerely,

Patricia Mau-Shimizu

Chief Clerk

House of Representatives

HOUSE OF REPRESENTATIVES TWENTY-FIRST LEGISLATURE, 2001 STATE OF HAWAII H.C.R. NO. 56

HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE.

WHEREAS, many of the jet ski owners and users in Hilo have raised safety issues concerning the designated Hilo Bay Recreational Thrill Craft Zone; and

WHEREAS, according to section 13-256-141, Hawaii Administrative Rules, the boundaries of the Hilo Bay Recreational Thrill Craft Zone are defined as follows:

"Beginning at a point at the low water mark which is three thousand six hundred feet east of the tip of Hilo Breakwater; then by azimuth measured clockwise from True South, 005 degrees for a distance of one thousand one hundred feet; 095 degrees for a distance of three thousand nine hundred feet; 185 degrees for a distance of two thousand feet; 275 degrees for a distance of one thousand one hundred feet; 005 degrees to the low water mark on the seaward side of the breakwater; then along the low water mark to the point of beginning.";

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WHEREAS, since the zone is nearly one mile away from the shoreline, thrill craft users must traverse a great distance to enter the zone; and

WHEREAS, the distance poses a hazard to users who may encounter equipment failure on their way to or from the thrill craft zone, or who may need medical assistance if they are injured in the thrill craft zone; and

Chief Clerk House of Representatives

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H.C.R. NO. 56

WHEREAS, the designated area is also along the break wall at the mouth of the bay, an area where "rogue wave" accidents have occurred, claiming the lives of opihi pickers, fishermen, and others who frequent the area; and

WHEREAS, in determining the boundaries of the Hilo Bay Recreational Thrill Craft Zone, the Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation, held a series of public hearings in the late 1980s and early 1990s as part of efforts to develop a regulatory strategy that balances the needs of all recreational users; and

WHEREAS, based on their findings, DLNR adopted the rule setting forth the boundaries of the thrill craft zone in 1994; and

 WHEREAS, since nearly ten years have passed since the adoption of the rule, the number of thrill craft users in Hilo has risen while the recreational needs of other citizens, such as cance paddlers and small boat enthusiasts, have changed; and

 WHEREAS, there is a need for DLNR to reevaluate this rule to ensure that the boundaries of the thrill craft zone balance the recreational needs and safety concerns of all users; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, the Senate concurring, that DLNR reevaluate the existing boundaries of the Hilo Bay Recreational Thrill Craft Zone; and

BE IT FURTHER RESOLVED that DLNR take reasonable steps to ensure the receipt of public comment from all segments of Hilo Bay's recreational users; and

 BE IT FURTHER RESOLVED that DLNR submit a status report of its efforts to the Legislature at least 20 days prior to the convening of the Regular Session of 2002; and

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H.C.R. NO. 56

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Department of Land and Natural Resources and the Hawaii Powerboat Recreation Association.

OFFERED BY:

MAR U 9 2001

NOTICE

THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF BOATING AND OCEAN RECREATION

PUBLIC WORKSHOP TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE

Date:

Thursday, September 13, 2001

Time:

5:00 PM to 8:00 PM

Place:

State Office Building, Hilo, Hawaii

(1st Floor Conference Rooms)

This public workshop is being scheduled in response to House Concurrent Resolution No. 56 that was passed during the Regular Legislative Session of 2001, entitled "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE." The reasons for requesting this reevaluation, as stated in the Concurrent Resolution, include: 1) the existing thrill craft zone is located nearly one mile from shore, requiring users to travel a great distance; 2) the distance poses a safety hazard to persons who suffer equipment failure or need medical assistance; 3) the number of thrill craft users have increased since the area was first established; and 4) the recreational needs of other user groups have changed.

The Department is seeking the ideas, comments, and recommendations of all users of Hilo Bay on how best to address these safety issues, while balancing the recreational needs of other user groups and maintaining navigational safety requirements of commercial shipping interests. The Department believes that the best information on current patterns of use within Hilo Bay must come from the users themselves. All interested parties - fishermen, outrigger canoeists, surfers, other recreational boaters, etc. - are urged to attend.

THIS IS NOT A PUBLIC HEARING. The information gained from this workshop will be used to determine if the existing recreational thrill craft zone may be expanded, or if other areas within Hilo Bay may be designated for recreational thrill craft use, without creating additional conflicts or displacing other traditional uses of the area. Any proposed changes to the present thrill craft operating area will be the subject of future public hearings to change the boundaries now defined by administrative rules.

Gilbert S. Coloma-Agaran

Chairperson

NOTICE

THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF BOATING AND OCEAN RECREATION

PUBLIC WORKSHOP TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE

Date: Thursday, October 18, 2001

Time: 5:00 PM to 8:00 PM

Place: State Office Building, Hilo, Hawaii

(1st Floor, Conference Rooms A, B and C)

This public workshop, originally scheduled for September 13th, is being rescheduled in response to House Concurrent Resolution No. 56 that was passed during the Regular Legislative Session of 2001, entitled "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE." The reasons for requesting this reevaluation, as stated in the Concurrent Resolution, include: 1) the existing thrill craft zone is located nearly one mile from shore, requiring users to travel a great distance; 2) the distance poses a safety hazard to persons who suffer equipment failure or need medical assistance; 3) the number of thrill craft users have increased since the area was first established; and 4) the recreational needs of other user groups have changed.

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/s/ Gilbert S. Coloma-Agaran Gilbert S. Coloma-Agaran Chairperson

M E M O

TO:

BOR

18 Oct 2001

FROM:

HAR-H Some

SUBJECT:

Thrillcraft Operating Area, Hilo Harbor

I write as the Hilo Harbor Master for the commercial port of Hilo, and also as a former Boating Manager for the Island of Hawaii. As you know, I was involved in all of the public workshops and hearings on both sides of this island during the process of putting together the Ocean Recreation Management Area rules.

Given the increased security around cruise ships today, we cannot support any rules changes that would allow thrillcraft to approach the harbor any closer than 500 yards, preferably farther. A good rule of thumb might be to not allow thrillcraft any closer to Hilo Harbor's inner basin than buoy #4, the one off Kaulainaiwi Islet.

In recent years I have watched thrillcraft stray farther and farther from the legal operating area. They have run in and out of Radio Bay, alongside cruise ships moored at Pier 1, Hilo Harbor, and through Reed's Bay. A couple of them even set up a platform from which to operate in Reed's Bay.

On occasion I have spoken or written to thrillcraft operators about the boundaries. I have even advised some of the operators that they could probably operate half way down the breakwater without drawing any attention to themselves, but if they were going to run toward cruise ships or through a mooring area such as Reed's Bay, they would obviously be inviting attention. A couple of the operators have been belligerent, saying the rules were all wrong, and that they were in a dangerous situation that far away from shore. I reminded them that, given the atmosphere at the time the rules were promulgated, they were probably lucky they had an area to operate in at all, and that they needed to improve their image if they expected to garner any support.

Section 13-256-141, Hawaii Administrative Rules, is amended to read as follows:

"13-256-141 Hilo Bay Recreational Thrill Craft [Zone] Zones.

[(a)] The Hilo Bay recreational thrill craft [zone] zones [means] mean the [area] areas confined by the boundaries shown on Exhibit "CCC", dated [June 30, 1988,] November 20, 2001, located at the end of this subchapter. All points of latitude and longitude are given in global positioning system (GPS) coordinates. [The boundaries of Zone A are as follows:

Beginning at a point at the low water mark which is three thousand six hundred feet east of the tip of Hilo Breakwater; then by azimuth measured clockwise from True South, 005 degrees for a distance of one thousand one hundred feet; 095 degrees for a distance of three thousand nine hundred feet; 185 degrees for a distance of two thousand feet; 275 degrees for a distance of one thousand one hundred feet; 005 degrees to the low water mark on the seaward side of the breakwater; then along the low water mark to the point of beginning.]

(a) The boundaries of Zone A are as follows:

Beginning at the intersection of the shoreline and the western edge of the Waiakea access corridor; then clockwise west and north along the shoreline to the intersection of COLREGS Demarcation Line 80.1480; then east along COLREGS Demarcation Line 80.1480 to the western tip of the Hilo Bay breakwater; then east along the inner face of the breakwater to position 19 degrees 44.620 minutes north, 155 degrees 44.000 minutes west; then south to buoy R "4" located at 19 degrees 44.013 minutes north, 155 degrees 04.083 minutes west; then southwest to a point 300 feet due west of Kaulainaiwi Islet at 19 degrees 43.863 minutes north, 155 degrees 04.200 minutes west; then southwest to a point located 300 feet due west of the point adjacent to the Waiakea light at 19 degrees 43.550 minutes north 155 degrees 04.333 minutes west; then southeast to the Wailoa basin channel light "1"; then direct to the Wailoa basin channel light "2"; then southeast to the shoreline and along the shoreline to the point of beginning.

- [(b) Restrictions:] This area is designated a recreational thrill craft zone. No person shall operate a commercial thrill craft, including rental units, in this area. No thrill craft shall enter the surf break located at the mouth of the Wailuku River when any person is surfing in the area.
- (b) The Outrigger Canoe Subzone is the portion of Zone A that is located between the shoreline and a line drawn from the northernmost tip of Coconut Island to the south bank of the Wailuku River at the base of the southern abutment of the Bayfront Highway bridge. The Outrigger Canoe Subzone is activated during the outrigger canoe practice and racing season commencing on (date to be inserted) and continuing through (date to be inserted) of each year. No thrill craft shall enter this subzone when one or more outrigger canoes are operating within this area. Thrill craft access through this subzone enroute to or from the remainder of Zone A or Zone B shall be through the extension of the Waiakea Access Corridor as described in section 13-256-142.
 - (c) The boundaries of Zone B are as follows:

Beginning at the Hilo harbor entrance buoy "G1" located at 19 degrees 44.550 minutes north, 155 degrees 04.800 minutes west; then due north to a point at 19 degrees, 44.783 minutes north, 155 degrees 04.800 minutes west; then due east to a point at 19 degrees, 44.783 minutes north, 155 degrees 04.000 minutes west; then due south to the Hilo breakwater at 19 degrees, 44.622 minutes north, 155 degrees 04.000 minutes west; then west to the end of the breakwater along the outer face; then direct to the point of beginning.

This area is designated a recreational thrill craft zone. All vessels exiting Hilo Bay are cautioned to remain alert for fast moving thrill craft that may be obscured by the breakwater structure.

(d) All thrill craft are prohibited from operating east of Zone A due to navigational safety and security measures in effect for the Port of Hilo." [Eff 2/24/94] [Am]
(Auth: HRS §\$200-22, 200-23, 200-24, 200-37) (Imp: HRS §\$200-22, 200-23, 200-24, 200-37)

Section 13-256-141, Hawaii Administrative Rules, is amended to read as follows:

"13-256-142 <u>Waiakea Access Corridor</u>. (a) The Waiakea Access Corridor means the area confined by the boundaries shown

on Exhibit "DDD", dated August 19, 1988, located at the end of this subchapter. The boundaries of the corridor are as follows:

Beginning at a point at the low water mark at the north tip of the Wailoa River Channel; then by azimuth measured

clockwise from True South, 187 degrees for a distance of four hundred fifty feet; 097 degrees for a distance of one hundred fifty feet; 007 degrees for a point at the low water mark of the shoreline; then along the shoreline to the point of beginning.

- (b) Restrictions: The corridor is for access to the beach from Hilo Bay for recreational thrill craft and waterski activities. No person shall operate a commercial thrill craft or waterski activity in this corridor.

New material is underlined. Material to be deleted is bracketed and stricken.

